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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22850 7590 10/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 10/03/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,397	01/29/2001	Susumu Seishu	202442US6	6175

TITLE OF INVENTION: DATA RECORDING METHOD AND APPARATUS, DATA REPRODUCING METHOD AND APPARATUS, AND DATA RECORDING AND/OR REPRODUCING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/05/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22850 7590 10/03/2008

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1940 DUKE STREET  
ALEXANDRIA, VA 22314

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United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or by facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,397	01/29/2001	Susumu Senshu	202442US6	6175

TITLE OF INVENTION: DATA RECORDING METHOD AND APPARATUS, DATA REPRODUCING METHOD AND APPARATUS, AND DATA RECORDING AND/OR REPRODUCING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/05/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
DADA, BEEMNET W	2135	380-201000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are submitted:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form or other suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.				DADA, BEEMNET W
1940 DUKE STREET				ART UNIT
ALEXANDRIA, VA 22314				PAPER NUMBER 2135
DATE MAILED: 10/03/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 874 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 874 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/770,397	SENSHU, SUSUMU
	Examiner BEEMNET W. DADA	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed on 08/01/08.

2.  The allowed claim(s) is/are 1,2,4-7, 9-11 and 13-26.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

2.  Notice of Draftperson's Patent Drawing Review (PTO-948)

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5.  Notice of Informal Patent Application

6.  Interview Summary (PTO-413),

Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Love, Reg. No. 58,421 on September 24, 2008.

The application has been amended as follows:

In the claims:

Claim 1 (Currently Amended): A data recording method for recording digital data to a recording medium, comprising the steps of:

obtaining a unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium;

generating independent write identification information for every recording operation performed on the digital data;

encrypting data identification information of the digital data and data control information by the use of the write identification information and encrypting the write identification information by use of the recording medium ID; and

recording at least the encrypted data identification information and data control information to the recording medium,

wherein the data control information includes copy control information for the digital data.

Claim 3 (Cancelled).

Claim 6 (Currently Amended): A data recording apparatus for recording digital data to a recording medium, comprising:

a computer readable recording medium;

means for obtaining a unique recording medium ID corresponding to the computer readable recording medium from a predetermined region of the computer readable recording medium, the recording medium ID pre-recorded on the predetermined region of the computer readable recording medium;

means for generating independent write identification information for every recording operation performed on the digital data;

means for encrypting data identification information of the digital data and data control information by the use of the write identification information and encrypting the write identification information by use of the [[ID]] recording medium ID; and

means for recording at least the encrypted data identification information and data control information to the computer readable recording medium,

wherein the data control information includes copy control information for the digital data.

Claim 7 (Currently Amended): The data recording apparatus as set forth in claim 6, wherein the digital data is encrypted by the data identification information, and the encrypted digital data is recorded to the computer readable recording medium along with the encrypted data identification information and data control information, and the write identification information.

Claim 8 (Cancelled).

Claim 9 (Currently Amended): The data recording apparatus as set forth in claim 6, wherein the encrypted data identification information and data control information, and the write identification information are encrypted by the use of recording medium ID unique to the computer readable recording medium and recorded to the computer readable recording medium.

Claim 10 (Currently Amended): A data recording and/or reproducing system, comprising:

a computer readable recording medium;

a data processing apparatus for encrypting data identification information of digital data and data control information; and

a data recording and/or reproducing apparatus for recording the encrypted data identification information and data control information from the data processing apparatus to [[a]] the computer readable recording medium,

wherein the data recording and/or reproducing apparatus is configured to obtain a unique recording medium ID corresponding to the computer readable recording medium from a predetermined region of the computer readable recording medium, the recording medium ID pre-recorded on the predetermined region of the computer readable recording medium, and has means for generating independent write identification information for every recording operation performed on the digital data, and means for recording the encrypted data from the data processing apparatus to the computer readable recording medium, said write identification information being encrypted through use of said recording medium ID, and

wherein the data processing apparatus encrypts the data identification information of the digital data and data control information by the use of the write identification information from the data recording and/or reproducing apparatus, and transmits the encrypted data to the data recording and/or reproducing apparatus.

wherein the data control information includes copy control information for the digital data.

Claim 11 (Currently Amended): The data recording and/or reproducing system as set forth in claim 10, wherein the digital data is encrypted by the data identification information, and the data recording and/or reproducing apparatus records the encrypted digital data to the computer readable recording medium along with the encrypted data identification information and data control information.

Claim 12 (Cancelled).

Claim 13 (Currently Amended): The data recording and/or reproducing system as set forth in claim 10, wherein the data recording and/or reproducing apparatus encrypts the encrypted data identification information and data control information from the data processing apparatus, and the write identification information by the use of recording medium ID unique to the computer readable recording medium, and records the encrypted data to the computer readable recording medium.

Claim 15 (Currently Amended): A data reproducing method for reproducing digital data from a recording medium, comprising the steps of:

reproducing encrypted data identification information and data control information, and write identification information, which are encrypted by the use of a unique recording medium ID obtained from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium and corresponding to the recording medium and are embedded in the digital data;

decrypting the encrypted data identification information and data control information by the use of the write identification information created during the reproducing, and obtaining the data identification information of the digital data and data control information,

wherein the data identification information and data control information is generated for every recording operation performed on the digital data, and

wherein the data control information includes copy control information for the digital data.

Claim 19 (Currently Amended): A data reproducing apparatus for reproducing digital data ~~from a recording medium~~, comprising:

a computer readable recording medium;

means for reproducing encrypted data identification information of the digital data and data control information, which are encrypted by the use of independent write identification information created for every recording operation performed on the digital data, and the write identification information from the computer readable recording medium;

means for decrypting the encrypted data identification information and data control information by the use of the write identification information, and obtaining the data identification information and data control information from the reproduced data; and

means for decrypting the write identification information with a recording medium ID, which corresponds to and is unique to the computer readable recording medium, the recording medium ID obtained from a predetermined region of the computer readable recording medium, the recording medium ID pre-recorded on the predetermined region of the computer readable recording medium,

wherein the data control information includes copy control information for the digital data.

Claim 20 (Currently Amended): The data reproducing apparatus as set forth in claim 19, wherein the digital data is encrypted by the data identification information and recorded to the computer readable recording medium, and the encrypted digital data is reproduced from the computer readable recording medium along with the encrypted data identification information and data control information, and the write identification information.

Claim 21 (Currently Amended): The data reproducing apparatus as set forth in claim 20, wherein the encrypted data identification information and data control information, and the write identification information are encrypted by the use of the recording medium ID and recorded to the computer readable recording medium, and the recording medium ID is reproduced from the computer readable recording medium, and the data encrypted by the computer readable recording medium identification information are decrypted by the use of the recording medium ID, and the encrypted data identification information and data control information, and the write identification information are taken out.

Claim 22 (Currently Amended): A data recording and/or reproducing system comprising:  
a computer readable recording medium;

a data recording and/or reproducing apparatus for reproducing encrypted data which are encrypted by the use of independent write identification information that is created for every recording operation performed on the digital data from a recording medium; and

a data processing apparatus for decrypting the encrypted data and obtaining data identification information of the digital data and data control information from the reproduced data,

wherein the data recording and/or reproducing apparatus has means for reproducing the write identification information and the encrypted data from the recording medium, and means for transmitting the reproduced data to the data processing apparatus, and-

wherein the data processing apparatus decrypts the encrypted data which are encrypted by the use of the write identification information created during a recording operation using the data recording and/or reproducing apparatus, and obtains the data identification information of the digital data and data control information, said write identification information being decrypted by a recording medium ID that corresponds to and is unique to the recording medium, the recording medium ID obtained from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium, and

wherein the data control information includes copy control information for the digital data.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/  
Examiner, Art Unit 2135  
September 24, 2008  
/KimYen Vu/  
Supervisory Patent Examiner, Art Unit 2135